

REMARKS

In the Office Action dated May 1, 2009, the oath/declaration in this application has been found to be defective. Submitted herewith is a replacement oath/declaration which is believed to fully comply with the applicable requirements.

The Office Action also objected to the drawings as failing to include reference characters 32' and DST. Applicant has amended the corresponding portions of the specification in paragraphs [0030], [0039], and [0040] and claim 3 to replace such reference characters with the proper reference characters appearing in the drawings, i.e., 32A and D_{ST}. Accordingly, submission of corrected replacement drawings sheets is unnecessary.

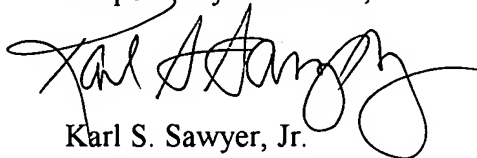
The Office Action also objected to the drawings as failing to include reference characters D_{ST}, 7, 8, 9, 10, 14, 15, 16, 17, 18, 20, 21 and 26. This objection has brought to the applicant's attention that, in the Culinary Amendment, the text of page 6 of the original specification, as filed, was inadvertently omitted. The omitted portion of the specification contains all of the omitted reference characters. The applicant has accordingly also amended the specification by correction of paragraph [0027] and insertion of two new paragraphs thereafter, thereby reinserting the omitted text. Such amendments do not contact the new matter as the entirety of such amendments appeared in the originally filed specification.

The Abstract was also found objectionable because it did not appear on a separate sheet in the Preliminary Amendment. Applicant has accordingly replaced the Abstract by the foregoing amendment.

In the claims, the Office Action found claims 3, 4 and 6 to be objectionable because of inconsistent usage of the reference character D_{ST} and DST. The amendment to claim 3 corrects the basis for this objection. Claims 8 and 15-17 were rejected under 35 USC 112, second paragraph, as indefinite for use of the phrase "the criterion" in claim 8 and "in particular" in claim 15. Claim 8 has been amended to replace the phrase "the criterion" with the phrase "the first and second criterions". Claim 15 has been amended to delete the objectionable phrase. Claims 1 -- 9 were rejected on the ground of the nonstatutory obviousness-type double patenting over claims 1 -- 12 of granted US Patents 7,386,975. Submitted herewith is a Terminal Disclaimer on behalf of the applicant, which overcomes this basis of rejection.

All of the issues raised in the Office Action having thereby been addressed and overcome, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt issuance of a formal Notice of Allowance are respectfully requested.

Respectfully submitted,



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